

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

S.B., a minor student, by and through his)	
parents, M.B. and L.H., <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	No. 3:21-CV-317-JRG-DCP
)	
GOVERNOR BILL LEE, in his official capacity))	
as Governor of Tennessee,)	
)	
Defendant.)	

ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and the Order of Referral [Doc. 88] by the District Judge.

Now before the Court is Plaintiffs' Motion for Attorneys' Fees and Costs [Doc. 87]. The motion requests that the Court award Plaintiffs "interim fees" against Knox County Board of Education ("Board") and Governor Lee given that Plaintiffs' preliminary injunction request was successful. The Board opposed the motion [Doc. 89], as did Governor Lee [Doc. 91], and Plaintiffs filed reply briefs [Docs. 92 & 93].

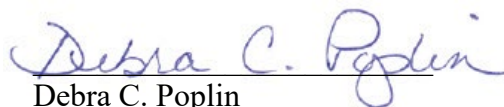
After the parties briefed the motion, on April 27, 2022, the Court granted a joint motion to dismiss the Board with prejudice [Doc. 33]. On May 3, 2022, Plaintiffs filed a supplement to their request for attorney's fees, stating that they had settled with the Board, but they did not settle with Governor Lee [Doc. 34]. Plaintiffs stated that the supplemental brief provides an update on their attorney's fees since they filed their original motion to include the offset paid by the Board [Doc. 134]. Governor Lee filed an objection [Doc. 135] on May 10, 2022.

Finally, on July 18, 2022, Plaintiffs and Governor Lee filed a Joint Notice of Settlement, stating that they reached a tentative agreement to settle Plaintiffs' request for attorney's fees and costs and to dismiss Plaintiffs' claims [Doc. 147]. The Joint Notice of Settlement further states that the tentative agreement is subject to the approval of the appropriate State of Tennessee constitutional officials in accordance with Tennessee Code Ann. § 20-13-103. The parties state that once approved, they intend to file a stipulation of dismissal. On September 12, 2022, the District Judge entered an order directing the parties to file a joint status report regarding their settlement agreement [Doc. 148]. In response, Governor Lee filed a Notice, stating that the settlement was not approved [Doc. 149].

The Court observes that the procedural posture in this case has significantly changed in light of the dismissal of the Board and the later settlement negotiations. In light of such changes, the Court **DENIES** Plaintiffs' Motion for Attorneys' Fees and Costs [**Doc. 87**] **WITHOUT PREJUDICE**.

IT IS SO ORDERED.

ENTER:



Debra C. Poplin
United States Magistrate Judge